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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

FREE SPEECH COALITION, INC.; DEEP CONNECTION TECHNOLOGIES, INC.; CHARYN PFEUFFER; JFF PUBLICATIONS, LLC; ANNA LOUISE PETERSON; LYNSEY GRISWOLD ; PHE, INC.; AND CONVERGENCE HOLDINGS, INC.,

*Plaintiffs,*

v.

AUSTIN KNUDSEN, in his official capacity as Attorney General of the State of Montana

*Defendant.*

Case No. 9:24-cv-00067-DWM

**JOINT MOTION FOR BRIEFING SCHEDULE AND HEARING ON DEFENDANT'S MOTION TO DISMISS**

All parties, through their respective counsel, hereby respectfully move for the Court to enter a schedule for briefing Defendant's forthcoming Motion to Dismiss all claims pursuant to Federal Rule of Civil Procedure 12(b)(6). The parties also respectfully request a modest enlargement of the word count for Defendant's Brief in Support of the Motion to Dismiss and Plaintiffs' Response in Opposition due to the complexity and significance of the legal issues raised by the case.

In support of their motion, the parties state the following:

1. Following the filing of their complaint, counsel for Defendant reached out to counsel for Free Speech Coalition, Inc., Deep Connection Technologies, Inc., Charyn Pfeuffer, JFF Publications, LLC, Anna Louise Peterson; Lynsey Griswold, PHE, Inc.; and Convergence Holdings, Inc. (“Plaintiffs”), regarding a briefing schedule for briefing Defendant’s forthcoming Motion to Dismiss.

2. As part of their discussions, Plaintiffs’ counsel informed Defendant’s counsel that preexisting deadlines and travel plans would make it difficult to complete briefing on Defendant’s Motion to Dismiss on the schedule that Defendants’ initially proposed: June 27, 2024 for Defendant’s Motion to Dismiss; four-to-six weeks for Plaintiffs’ response in opposition, and three weeks from Plaintiffs’ response for Defendant to file its reply.

3. Defendant’s counsel also have preexisting deadlines and scheduling conflicts that would make it difficult to complete briefing of Defendant’s Motion to Dismiss on the standard briefing timeline. One of Defendant’s counsel, Christian Corrigan, will likely be on paternity leave for part of the month of July, and both of Defendant’s counsel have preexisting deadlines in ongoing cases including:

- a. Filing an amicus brief in *Fouts v. Bonta*, No. 24-1039 (9th Cir.), which is due on June 10, 2024.
- b. Filing a petition for writ of certiorari in *Montana v. Gibbons*, DA 21-0413 (Mont.). Counsel sought (and was granted) an extension of time to file the petition from June 18, 2024 up to and including July 17, 2024. *Montana v. Gibbons*, No. 23A989 (U.S. May 7, 2024).
- c. Ongoing briefing and preparation related to a motion for preliminary injunction and hearing in *Kansas, et al., v. Garland, et al.*, No. 6:24-cv-01086-TC-TJ (D. Kan.).
- d. A brief in support of a Motion to Quash a third-party subpoena of a State Senator due on June 6, 2024, and Reply Due June 20, 2024, in *Montana Conservation Voters v. Jacobsen*, Cause No. DDV 2023-702 (Mont. 1st Jud. Dist.). The district court's ruling on the subpoena is also likely to trigger emergency briefing before the Montana Supreme Court.
- e. Ongoing briefing in support of a Motion to Consolidate in *Montana Department of Environmental Quality v. Montana*

*Board of Environmental Review*, Cause No. CDV 2023-21  
(Mont. 1st Jud. Dist.).

f. Ongoing briefing in support of a Motion to Stay in *Montana Environmental Information Center v. State of Montana*, Cause No. CDV-25-2024-250-DK (Mont. First Jud. Dist.).

4. The parties have agreed to the proposed schedule below for Defendant's Motion to Dismiss and therefore respectfully request that the Court enter an order adopting the following schedule:

- a. Defendant's Motion to Dismiss is to be filed by August 1, 2024, and the standard word count is enlarged to 8,000 words;
- b. Plaintiffs' response in opposition is due no later than September 12, 2024, and the standard word count is enlarged to 8,000 words;
- c. Defendant's reply in support is due 21 days from the date Plaintiffs file their response, using the standard allotment of 3,250 words;
- d. A hearing is to be scheduled following completion of the briefing at the Court's convenience.

5. The parties further respectfully request that the Defendant's deadline to answer the Complaint be extended to 30 days after the Court has ruled on the Motion to Dismiss.

DATED this 31st day of May, 2024.

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